

MEETING MINUTES
BOARD OF PERSONNEL APPEALS
1805 Prospect Ave, Conference Room B, Second Floor
Zoom Meeting
Helena, Montana
9:00 a.m.
October 20, 2020

Call to Order – Establish Quorum – Introduction of Board & Staff Members Present: (00:00)

Members Present via Zoom:

Anne MacIntyre, Board Chair
Jim Soumas, Labor Member
Quint Nyman, Labor Member
Kevin McRae, Management Member
Jenny Stringer, Management Member

Alternates Attending via Zoom - Observation Only:

Katie Nordstrom, Alternate Management Member

Staff Present via Zoom:

Amber Carpenter, Compliance & Investigation Bureau
Theresa Sroczyk, Dispute Resolution Section Manager
Jacquie Haney, Board Secretary
Haley Nelson, Attorney, Department of Labor
Dave Luckey, DLI Dispute Resolution Mediator
Wendy Jackson, DLI Dispute Resolution Mediator

Approval of Minutes of May 21, 2020 meeting (00:01)

Member Stringer moved to approve the June 18, 2020 meeting minutes with a minor punctuation correction.
Member Soumas seconded the motion. The vote was unanimous. Motion carries.

Public Opportunity to Comment (2-3-103 MCA) (01:00):

There were no comments by the Public.

Staff/Attorney Comments (01:21):

Haley Nelson, Attorney for the Board requested roll call voting for the zoom meeting to help keep track of votes.

Board Action - (03:58):

Board Attorney Haley Nelson introduced the proposed rule changes which updates and modernizes language and reviewed the rule making process. The main goal is to make the rules clear for everyone to understand. Haley led the board through a discussion of each proposed change. The following motion was made: Move to submit to the Secretary of state at the next feasible submission deadline the proposed amendment, repeal, and adoption of rules as set forth by the department. The Department's document is to be amended with those changes submitted to the Board for consideration on October 19, as well as those discussed today, which are as follows:

- In place of "chair" refer to presiding officer
- State Human Resources division to include successor named divisions
- 24.26.204 change "upon" to "on"
- Look at Hearing Officer vs ALJ for consistent usage
- 24.26.680A added to repeal list
- 24.26.695(5) modify "verbal" to "oral"
- New Rule VI to "exceptions" rather than "objections" and specify the exceptions are the opening brief
- New Rule VI(9) to 90 days to 14 days for unit determinations
- New Rule VII(1)(a) "Employees" to "a grievant"

- New Rule VII(4) strike “The board encourages the parties to the grievance to engage in informal resolution of the issues raised in the grievance.”
- New Rule X: change first sentence to: The Review and findings of the State Human Resources Division is not limited to...
- New Rule XIII(1)(b) “or an authorized representative”
- XIII(4): change to at board’s discretion or the request of a party
- XIII(4)(a): change to after ballots are mailed
- New Rule XXIX(1) typo
- New Rule XXX typo
- New Rule XXXIII(5): “clear and convincing showing that a mail ballot election is not feasible.”
- Remove 24.26.651 from repeal list

The Rules will also be subject to standard rule review by a Departmental Rule Review which may result in technical changes and typographical corrections as well as formatting changes.

Member Nyman moved to approve the motion. Member McRae seconded the motion. Vote: 5-0 motion passes.

Miscellaneous (2:07:05):

There was no miscellaneous business. Board Attorney Nelson thanked the Board for their close and careful consideration of all the rules changes.

Scheduling of Next Meeting (2:08:13):

The next meeting date is yet to be determined but will be moved to the week of December 7th. The board will be notified once the date has been established.

Meeting adjourned. (2:09:55)

Board Chair MacIntyre adjourned the meeting.